

DEVIN DERHAM-BURK #104353  
CHAPTER 13 STANDING TRUSTEE  
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Trustee for Debtor(s)

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA - DIVISION 5

In re:

MARJAN MONIQUE BAKER

Debtor(s)

)  
)  
) Chapter 13  
) Case No. 18-50134 MEH

)  
) TRUSTEE'S OBJECTION TO  
) CONFIRMATION WITH CERTIFICATE OF  
) SERVICE

)  
) 341 Meeting Date: MARCH 5, 2018 @ 10:30 AM  
) Initial Confirmation Hearing Date: MARCH 20,  
) 2018  
) Initial Confirmation Hearing Time: 9:55 AM  
) Place: 280 S 1<sup>st</sup> Street #3020  
) San Jose, CA 95113  
) Judge: M. Elaine Hammond

Devin Derham-Burk, Trustee in the above matter, objects to the Confirmation of this Plan for the following reasons:

1. The Debtor has failed to comply with 11 U.S.C. § 521(a)(1)(B)(iv) because the Debtor has failed to provide the Trustee with a copy of her payment advices for advice dates received on or around December 15, 2017, December 21, 2017 and January 30, 2018.

*NOTE:* The Declaration of Debtor RE Payment Advices provided to the Trustee's office on January 23, 2018 states the payment advices for advice dates December 15, 2017, December 21, 2017 are available.

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Trustee's Objection to Confirmation-18-50134 MEH

2. Pursuant to Section 3.05 of the Plan, Debtor's attorney was paid \$1969.00 prior to filing however, the 2016(b) has not been filed. Until the Trustee can determine if the information in Section 3.05 of the Plan is consistent with the 2016(b) the Trustee cannot recommend confirmation.
3. The Debtor has failed to comply with 11 U.S.C. §1325(a)(5). Chase Mortgage, County of Santa Clara Dept of Tax (A) account #xxx7799 (sic) and Mr. Cooper are listed on Schedule D filed on February 5, 2018 [Docket #16] as Secured however; the creditors have been omitted from the Chapter 13 Plan filed on February 5, 2018 [Docket #15].
4. Section 4.01 of the Plan states in part: "Settlement Agreement and Mutual General Release to sell property located at 3182 Kirk Drive, San Jose, CA to Premier Properties and Financial, Inc" and lists the post-petition monthly payment, Pre-petition arrears and Monthly average dividend as 'N.A.'. If it is the Debtor's intention to sell the real property located at 3182 Kirk Drive, San Jose, CA, Section 4.01 is not the appropriate section to provide for this. Trustee requests Debtor file an Amended Chapter 13 Plan to provide for the treatment of said real property under Section 7. Nonstandard Provisions.
5. The Trustee is unable to determine whether the Plan meets the liquidation test in 11 U.S.C. §1325(a)(4) and requests that the Debtor provide her with a copy of whatever evidence the Debtor used to determine the value of real property located at 3182 Kirk Drive, San Jose, CA 95124-2442 listed on Schedule A/B.
6. The Debtor has not separately disclosed her year-to-filing 2018 income in Part 2 of the Statement of Financial Affairs, and therefore, are not in compliance with 11 U.S.C. §521(a)(1)(B)(iii). An Amended Statement of Financial Affairs must be filed.  
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1 7. In order to assist the Trustee in determining whether the disposable income test in 11  
2 U.S.C. §1325(b)(1)(B) and/or the feasibility test in 11 U.S.C. §1325(a)(6) is met, the  
3 Trustee requests that the Debtor provide her with a copy of each federal and state income  
4 tax return and W-2 form required under applicable law with respect to each tax year of  
5 the Debtor's ending while the case is pending confirmation. The tax return shall be  
6 provided to her at the same time it is filed with the taxing authority.

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8 Dated: February 27, 2018

/S/ Devin Derham-Burk

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Chapter 13 Trustee

**CERTIFICATE OF SERVICE BY MAIL**

I declare that I am over the age of 18 years, not a party to the within cause; my business address is 983 University Ave. C-100, Los Gatos, California 95032. I served a copy of the within Trustee's Objection to Confirmation by placing same in an envelope in the U.S. Mail at Los Gatos, California on February 27, 2018.

Said envelopes were addressed as follows:

MARJAN MONIQUE BAKER  
P O BOX 54201  
SAN JOSE, CA 95154

THE FULLER LAW FIRM  
60 N KEEBLE AVE  
SAN JOSE, CA 95126

/S/ Erin Chew  
Office of Devin Derham-Burk, Trustee